

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 08-4259

ELIZABETH COCHRANE PICHARDO,  
Petitioner

v.

CECIL R. BENJAMIN, COMMISSIONER OF LABOR, ET AL.

(V.I. S. Ct. Civ. No. 2007-061)

Present: BARRY, AMBRO and SMITH, Circuit Judges

Submitted are:

- (1) Petitioner's petition for a writ of certiorari; and
  - (2) Petitioner's motion for the appointment of counsel
- in the above-captioned case.

Respectfully,

Clerk

MMW/EGL/nmb

O R D E R

The foregoing petition for a writ of certiorari is granted on the following issues: (1) the merits of petitioner's claims that excessive delays and the absence of a transcript of her hearing before the Virgin Islands Department of Labor ("DOL") deprived her of due process or otherwise required the Virgin Islands Superior Court to remand the matter to the DOL; (2) whether the Virgin Islands Supreme Court erred in not addressing petitioner's claims regarding the absence of a transcript; and (3) whether petitioner's claims are of the kind that, under 24 V.I.C. § 70(b), may not be considered on a writ of review unless they have been raised in the DOL in the first instance (which might depend, inter alia, on whether the DOL has jurisdiction to adjudicate such claims). Petitioner's motion for the appointment of counsel is granted, and the Clerk will appoint counsel to represent petitioner for purposes of this appeal. See Tabron v. Grace, 6 F.3d 147, 155-58 (3d Cir. 1993).

By the Court,

/s/ Thomas L. Ambro  
Circuit Judges

Date: 3/31/09

JT/cc: Joel H. Holt, Esq.

Micol L. Morgan, Esq.

Richard S. Davis, Esq.

Ms. Elizabeth Cochrane Pichardo